

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

INTELLECTUAL VENTURES I LLC and  
INTELLECTUAL VENTURES II LLC,

Plaintiffs/Counter-Defendants,

v.

CAPITAL ONE FINANCIAL  
CORPORATION; CAPITAL ONE BANK  
(USA), NATIONAL ASSOCIATION; and  
CAPITAL ONE, NATIONAL  
ASSOCIATION,

Defendants/Counter-Plaintiffs,

v.

INTELLECTUAL VENTURES  
MANAGEMENT, LLC; INVENTION  
INVESTMENT FUND I, L.P.; INVENTION  
INVESTMENT FUND II, LLC;  
INTELLECTUAL VENTURES FUND 83  
LLC, and JOHN DOES 1-2000,

Additional Counter-Defendants.

Civil Action No. 1:13-cv-740-AJT-TRJ

**NOTICE**

Defendants Capital One Financial Corporation, Capital One, N.A., and Capital One Bank (USA), N.A. (together, "Capital One"), hereby notify the Court that in light of Capital One's First Amended Counterclaims [ECF No. 88] filed on October 14, 2013 pursuant to Fed. R. Civ. P. 15(a), Capital One will not file an opposition to Plaintiffs' pending Motion to Dismiss

Antitrust Counterclaims 11, 12 and 13 and Eighth Affirmative Patent Misuse Defense because that Motion is now moot. Capital One continues to oppose Plaintiffs' pending Motion to Dismiss, and should the Court view one as necessary, will file a substantive opposition.

Respectfully submitted,

**CAPITAL ONE FINANCIAL CORPORATION**  
**CAPITAL ONE BANK (USA), N.A.**  
**CAPITAL ONE, N.A.**

By:/s/ S. Mohsin Reza

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of October, 2013, I filed the foregoing with the Clerk of the Court using CM/ECF, which will then send a Notice of Electronic Filing (NEF) to the registered CM/ECF users listed below:

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